



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

January 25, 2019

VIA EMAIL

Mr. Max Breckenridge
Benjamin Moore & Company
109 Bamberg Drive
Pell City, (St. Clair County), Alabama 35125

Dear Mr. Breckenridge:

**Subject: Warning Letter
Benjamin Moore & Company (BMC)
EPA Identification Number ALD981472798**

Based on a compliance evaluation inspection conducted on December 19, 2018, the Department has determined that BCM failed to comply with certain requirements of ADEM Division 14, Hazardous Waste regulations. This determination is based on the following:

1. Pursuant to ADEM Admin. Code r. 335-14-6-.28 and .29, the owner or operator must manage all equipment and tanks that comes in contact with hazardous waste that has an organic concentration of at least 10 percent by weight, in accordance with the record keeping, monitoring, and tagging requirements of Subpart BB and Subpart CC.

BMC did not tag, monitor, or have monitoring records for the distillation unit holding tank and required ancillary equipment attached to the tank.

2. Pursuant to ADEM Admin. Code r. 335-14-6-.10(2)(a), the owner operator must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified professional engineer in accordance with 335-14-8-.02(2)(d) that attest to the tanks integrity.

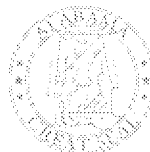
BMC failed to have a professional engineer perform a tank integrity test on the distillation unit holding tank.

3. Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(ii)a., mark or label its tanks with the words "Hazardous Waste" and the EPA hazardous waste number(s).

BMC failed to label the distillation-holding tank "Hazardous Waste".

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9358 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

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4. Pursuant to ADEM Admin. Code r. 335-14-6-.10(6)(a), the owner or operator must inspect, where present, at least once each operating day, data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design.

BMC failed to conduct daily hazardous waste tank inspection on the distillation unit holding tank.

The Department requests that BMC submit documentation describing what actions have been or will be taken to address the area of noncompliance described above and to prevent the recurrence within 30 days of receipt of this letter. If you have any questions or comments, please contact Corey Holmes at (334) 271-7852 or at cholmes@adem.alabama.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brent A. Watson', is written over a horizontal line.

Brent A. Watson, Chief
Compliance and Enforcement Section
Industrial Hazardous Waste Branch
Land Division

File: 01643 ALD981472798 115 20180118 EHVL Warning Letter